

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, July 14, 2010 – 9 a.m. – Room 119
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Members Present

Tom Thornberry, *Chairman*
Edmund T. Hittson, *Vice-Chairman*
Bob Stout, *Secretary* (excused absence)
Audrey Seay (resigned)
Bill Truex

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the July 14, 2010 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present. (Mr. Stout and Mrs. Seay were absent)

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Bill Truex and seconded by Ed Hittson to approve the minutes of the June 9, 2010 meeting of the Board of Zoning Appeals, with the following correction. On page 4, under Board Member Comments, paragraph 4 typographical error, *estoppel* is misspelled. With that correction, the minutes were approved with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the July 14, 2010 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Nicole Dozier, Zoning Official, Attorney Derek Rooney, and Chair Thornberry* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on June 29, 2010: VAR-10-11; SE-10-11; SE-84-58(M1); SE-10-12; SE-10-13; and SE-10-14

Petition #VAR-10-11

Gary and Lorraine McBride are requesting a variance to reduce both side yard setbacks from 13' to 10', for a new single-family residence in a Manasota Multifamily-12 (MMF-12) zoning district. The property address is 1180 Shore View Drive, Englewood, Florida and is described as lot 14, block A, of Englewood Shores Subdivision, located in Section 13, Township 41 South, Range 19 East. A complete legal description and additional information are on file.

Petition # VAR-10-11 was continued to the next hearing because one of the 3 members in today's quorum, had to abstain from hearing this request.

Petition # SE-10-11

Thomas Steiskal is requesting a special exception to allow a meat curing activity, consisting of the smoking of fish, in an Agriculture Estate (AE) zoning district. The property address is 16050 Daisy Drive, Punta Gorda, Florida and is described as lots 2 and 3, Block 5, of Orange Grove Park Subdivision Sub-section 1, in Section 29, Township 42 South, Range 24 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Thomas Steiskal, applicant, said he had a handout. He handed out pictures of the inside of the building where the meat curing activity would take place, also a copy of the application for fishing license for 2010-2011. He said he constructed a new building which is hurricane proof, and showed the pictures of the commercial refrigerator, freezer, and sink. He currently works with vegetables but wants to do meat curing in the smoke house. He will be working with the building department for fire and all permits.

Mr. Hittson asked if he would be selling wholesale or retail to the public?

Mr. Steiskal said both. He has a license to sell both ways.

Mr. Hittson asked staff if this is compatible with AE zoning?

Mr. Quillen said Mr. Steiskal explained to staff he would not be doing sales at the site.

Mr. Steiskal said there would not be sales at the site. There will be no traffic coming in except once in a while the truck bringing him fish. Some of it he sells at a flea market and he also has a license to sell out of his truck.

Mr. Truex asked if he was okay with the stipulations staff has in their report?

Mr. Steiskal replied yes.

Mr. Thornberry asked how this special exception came about. There are pictures of this operation already existing and we have not granted the special exception yet.

Ms. Dozier said he could have put a permit in for an additional structure and not sited what it was for.

Mr. Steiskal said he does sell vegetables. Some are grown on this site. Some he gets from Immokalee. The sink will be used for the vegetables also. This is all permitted through the county.

Mr. Quillen said the vegetable process is an allowable use. The meat curing is what requires the special exception.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Anne Beddow, who lives at 16075 Daisy Drive, spoke against this request. She asked about the smoke house plans going to the fire department. She is concerned because she lives down the road and has animals. Smoking fish produces vapors. She asked about an exhaust fan. What will happen to the fish heads? She is also concerned about traffic.

Mr. Truex said a lot of her questions would be answered by the Building Department. If this is granted, he will be going for permits and the Building Department will be involved. That is where the Fire Marshall is.

Alice Hankla, 16060 Daisy Drive, said most of her questions have been answered, but they like the area the way it is. It is quiet and they never dreamed a business might be next to them.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Hittson. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Bill Truex and seconded by Ed Hittson that Petition SE-10-11 be APPROVED based on the Growth Management Staff Report dated July 2, 2010, the evidence and testimony presented at the hearing, and finding that the applicant HAS MET the required criteria for the granting of the special exception with 5 conditions.

Mr. Hittson said he does have one amendment, perhaps condition #6 could state that no commercial or retail sales would take place on the premises. Mr. Truex said he would accept the amendment.

Mr. Thornberry asked if there are any businesses on Daisy Drive?

Ms. Dozier said she does not know off hand, they would have to check.

Mr. Thornberry said people chose to live there. This is a private road. Will this disrupt the routing of the residents on Daisy Drive? I think it will. I can't support this motion.

Mr. Truex said he grew up in a rural area. Spent most of his life in an agriculture area and the rights of people in those areas is to produce and utilize the land they live on. I am in favor of this and I believe he has met the criteria. Tractors make more noise than a ½ ton truck.

Motion was approved with a vote of 2 to 1 (Mr. Thornberry against) with the following conditions:

1. This special exception is to allow the addition of a meat curing operation, including a 156 square foot smoke house, to the existing single-family residence, which will continue as the principal use on this property. The meat curing operation shall be an accessory use to the single-family residence and shall be operated within the limitations imposed by the conditions of this special exception.
2. The hours of operation shall be from 8:00 am to 5:00 pm.
3. Traffic to and from the property may not exceed ten vehicle trips per day and no semi-trucks with trailers may be used to make deliveries or shipments from this property.
4. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the meat curing operation and smoke house. Revised detailed plans must be approved through the permitting process prior to issuance of any permits.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.
6. No retail sales shall take place on subject property.

Petition #SE-84-58(M1)

Arthnel Hastings is requesting a modification of a previously approved special exception to add a pre-school and day care center to the existing house of worship, in a Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 4200 Juniper Street, Port Charlotte, Florida and is described as lots 1 through 8, 20, 23 and 24, Block 3276, of Port Charlotte Subdivision Sub-section 44, in Section 25, Township 40 South, Range 21 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Arthnel Hastings, agent for United Evangelical Church, said they made this request when they first purchased the property, but now they are finally getting to add the day care.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Hittson. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: *A motion was presented by Ed Hittson and seconded by Bill Truex that Petition SE-84-58(M1) be APPROVED based on the Growth Management Staff Report dated July 2, 2010, the evidence and testimony presented at the hearing, and finding that the applicant HAS MET the required criteria for the granting of the special exception with 4 conditions. Motion was approved with a unanimous vote with the following conditions:*

1. This special exception is to allow the addition of a day care center and pre-school to the existing house of worship as stated in the application for modification of this special exception.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the operation of the house of worship, day care center and pre-school.
3. The southerly parking lot shall be brought into compliance with the landscaping requirements of code by December 31, 2010. Also, a detailed landscape plan that shows how the landscaping requirements of code will be met must be submitted for approval by County staff prior to operation of the day care center and/or pre-school.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Petition #SE-10-12

Kevin and Linda McHugh are requesting a special exception to allow a mobile home to be used as a residence in an Agriculture General (AG) zoning district. The property address is 47050 Bermont Road, Punta Gorda, Florida and is described as parcel P1-21, in Section 25, Township 40 South, Range 26 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Kevin and Linda McHugh, applicants, said they have been living out there since October and love it out there. They do not have any problems with the staff report.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Hittson moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: *A motion was presented by Bill Truex and seconded by Ed Hittson that Petition SE-10-12 be APPROVED based on the Growth Management Staff Report dated July 2, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception with 4 conditions. Motion was approved with a unanimous vote with the following conditions:*

1. The special exception as approved by the Board of Zoning Appeals is for a single mobile home to be used as a residence. All yards and setbacks for the Agriculture General (AG) zoning district shall be observed in the placement of the mobile home.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. Any modification, alteration or revision of this use may require a modification of the special exception.
3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of the proposed mobile home.
4. The mobile home erected on this property must be rated for the appropriate wind loads by HUD (or DCA) as evidenced by the Data Plate supplied by the manufacturer.

Petition #SE-10-13

Mission Unity Inc. is requesting a special exception to allow two halfway houses, one for 12 men and one for 14 women, in an Office, Medical, Institutional (OMI) zoning district. The property address is 3512 and 3520 Depew Avenue, Port Charlotte, Florida and is described as lots 27, 28 and 29, Block 528, of Port Charlotte Subdivision Sub-section 7, in Section 23, Township 40 South, Range 22 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

James Byrom, Agent for the applicant, said they have been approved to operate substance abuse recovery housing programs within Charlotte County. We have been awarded Department of Children and Family grants to the tune of probably close to 1 million dollars in the last 8 year period. We have built several facilities. We currently own and operate 7. Our primary purpose is to help people with substance abuse addicts and we are real good at what we do. He addressed the parking. He also discussed the boundary of the property, the sprinkler system and landscaping.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Hittson. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: *A motion was presented by Mr. Hittson and seconded by Mr. Truex that Petition SE-10-13 be APPROVED based on the Growth Management Staff Report dated July 2, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception with 4 conditions. Motion was approved with a unanimous vote with the following conditions:*

1. This special exception is to allow two halfway houses consisting of a 14-bed women's residence at 3520 Depew Avenue, a 12-bed men's residence at 3512 Depew Avenue, and professional counseling offices at 3512 Depew Avenue.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the establishment and operation of the two halfway houses.
3. The Zoning Code requires that any new use or change of use in the OMI district must complete the Site Plan Review process prior to the establishment of the new use.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Petition #SE-10-14

Peace River Regional Medical Center is requesting a special exception to allow a 60' high building to allow a building addition in an Office, Medical, Institutional (OMI) zoning district. The property address is 2500 Harbor Boulevard, Port Charlotte, Florida and is described as a portion of Sections 15 and 22 and Tract E, of Port Charlotte Subdivision Sub-section 33, in Sections 15 and 22, Township 40 South, Range 22 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Michael Bell, WilsonMiller, Agent for the applicant, said this is within the OMI zoning district and the height is allowed with a special exception. We agree with the staff report and appreciate the staff's help.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Hittson. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: *A motion was presented by Bill Truex and seconded by Ed Hittson that Petition SE-10-14 be APPROVED based on the Growth Management Staff Report dated July 2, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception with 3 conditions. Motion was approved with a unanimous vote with the following conditions:*

1. The special exception, as approved by the Board of Zoning Appeals, is to allow a three-story addition on top of the existing one-story building, totaling 60' in height, for expansion of the existing medical facilities in substantial conformance with the site plans submitted by the applicant for this request.
2. The site plan presented by the applicant as part of this petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed medical facility.
3. Any major changes or additions to this special exception, including any future expansions over 38' in height, shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. **Public Comments** - None

X. **Staff Comments** - None


XI. **Member Comments** – None

XII. **Next Meeting**

The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, August 11, 2010, at 9:00 a.m., in Room 119.

There being no further business, the meeting **ADJOURNED** at 10:45 a.m.

Respectfully submitted, Diane Clim, Recorder



Tom Thornberry, Chairman - Board of Zoning Appeals
Approval Date: 8-11-10